

AUG 30 2004

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**Facsimile Cover Sheet**

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To: Commissioner for Patents for Examiner Clifford H. Knoll Group Art Unit 2112	Facsimile No.: 703/872-9306
From: Rebecca Clayton Legal Assistant to Stephen J. Walder, Jr.	No. of Pages Including Cover Sheet: 4
Message:  Enclosed herewith: <ul style="list-style-type: none"><li>• Transmittal Document; and</li><li>• Supplemental Reply.</li></ul>	
Re: Application No. 09/833,417 Attorney Docket No: AUS920000868US1	
Date: Monday, August 30, 2004	
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 30 2004

In re application of: **Browning et al.**

Serial No.: 09/833,417

Filed: April 12, 2001

For: Apparatus, Method and  
Computer Program Product for  
Converting Simple Locks in a  
Multiprocessor

35525

PATENT TRADEMARK OFFICE  
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Group Art Unit: 2112

Examiner: Knoll, Clifford H.

Attorney Docket No.: AUS920000868US1

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on August 30, 2004.

By:

  
Rebecca ClaytonTRANSMITTAL DOCUMENTCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

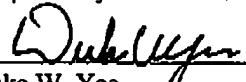
Sir:

ENCLOSED HEREWITH:

- Supplemental Reply.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,



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ATTORNEY FOR APPLICANTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 30 2004

In re application: Browning et al.

Serial No.: 09/833,417

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For: Apparatus, Method and  
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Group Art Unit: 2112

Examiner: Knoll, Clifford H.

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Alexandria, VA 22313-1450, facsimile number (703) 872-  
9306 on August 30, 2004.

By:

  
Rebecca ClaytonSUPPLEMENTAL REPLY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

In an August 27, 2004 telephone interview, Examiner Knoll indicated that he was planning to issue a rejection under 35 U.S.C. § 103(a) based on U.S. Patent No. 6,473,819. However, Examiner Knoll noted that this rejection may be overcome by a statement that the reference is not prior art under 35 U.S.C. § 103(c) and requested that Applicants submit such a statement in order to expedite prosecution of the application.

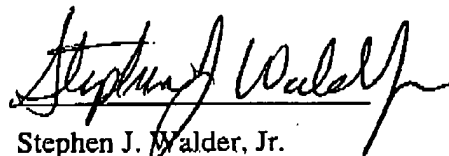
Examiner Knoll indicated that if such a statement were placed in the record, the application would be in condition for allowance.

Accordingly, Applicants respectfully submit that U.S. Patent No. 6,473,819 is not prior art under 35 U.S.C. § 103(a) because U.S. Patent No. 6,473,819 falls within the exception set forth in 35 U.S.C. § 103(c). That is, U.S. Patent No. 6,473,819 qualifies as prior art only under 35 U.S.C. § 102(e) and the subject matter of U.S. Patent No. 6,473,819 and the claimed invention were, at the time the present invention was made, owned by the same person or subject to an obligation of assignment to the same person, i.e. International Business Machines Corporation. Furthermore, the present application was filed on or after November 29, 1999, the effective date of 35 U.S.C. § 103(c).

Therefore, U.S. Patent No. 6,473,819 cannot be used as prior art under 35 U.S.C. § 103(a). Accordingly, Applicants respectfully request allowance of the present application in view of Examiner Knolls statements during the August 27, 2004 telephone interview.

Respectfully submitted,

DATE: August 30, 2004



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